

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #01016

DATE: July 25, 2001

PROPOSAL: An “after the fact” request to waive street trees in First Federal Lincoln Subdivision.

GENERAL INFORMATION:

APPLICANT: First Federal Lincoln Bank
PO Box 83009
Lincoln, NE 68501

CONTACT: Larry Small, First Vice President

LOCATION: S. 13th and Arapahoe Street

LEGAL DESCRIPTION: First Federal Lincoln Subdivision, located in the NE 1/4 of Section 2, T9N, R6E, Lincoln, Lancaster County, Nebraska.

SIZE: 1.290 acres, more or less

EXISTING ZONING: B-1 Local Business District

EXISTING LAND USE: Bank and commercial buildings and parking

SURROUNDING LAND USE AND ZONING: Commercial uses to the south, west and north, with a church-owned single family residence to the east across S. 13th Street. The land to the north, west and south is zoned B-1 Local Business; the land to the east is zoned R-5 and R-2 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Commercial.

HISTORY:	December 23, 1994	The Planning Director approved the First Federal Lincoln Subdivision.
	December 23, 1998	The date the installation of street trees became overdue.

SPECIFIC INFORMATION:

UTILITIES: Available.

TRAFFIC ANALYSIS: S. 13th Street is designated as a minor arterial in both the Existing and the Future Functional Street and Road Classifications. Arapahoe is designated as a collector street in both the Existing and the Future Functional Street and Road Classifications.

PUBLIC SERVICE: The closest fire station is at S. 17th Street and Van Dorn Street.

ANALYSIS:

The area is inside the city limits and should be developed at city standards in accordance with the City of Lincoln Design Standards.

1. Section 26.27.090 of the Subdivision Ordinance states: "Trees shall be planted along both sides of all streets and private roadways which abut the subdivision... This requirement may be modified or waived in subdivisions outside the corporate limits that are not annexed into the city if all the individual lots are one acre or more in area."
2. Neither lot in the First Federal Lincoln Subdivision is larger than an acre in size and both lots are well inside the City limits.
3. Section 26.31.010 of the Subdivision Ordinance states: "Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the council may vary or modify such requirements..."
4. The applicant indicates that the addition of street trees would limit the visibility of the First Federal Lincoln bank building and signage, thus causing a hardship. The applicant's photo simulations depict dense, low foliage blocking views of the building.
5. The Parks & Recreation Department comments that Chapter 12.20 of the City of Lincoln Design Standards requires that all street trees be limbed 10 feet above the sidewalk and 14 feet above the street. This requirement was not applied in the rendering provided by the applicant.
6. Parks & Recreation further notes that the shapes depicted in the applicant's renderings are erroneous. The street trees for that area are:

Columnar Norway Maple

15' wide x 35' high at maturity; a narrow upright deciduous tree (loses leaves in the winter).

Greenspire Linden

25' wide x 35' high at maturity; deciduous tree (loses leaves in the winter).

7. The Department of Public Works & Utilities comments that granting the waiver would not affect existing Public Works facilities. They question the validity of the argument that street trees interfere with sight lines to the commercial buildings - if valid, it would apply to any commercial lot in the City.

STAFF CONCLUSION:

- This subdivision is within the City limits and should comply with the City Design Standards and the minimum improvements specified in the Subdivision Ordinance.
- The applicant provided a surety to guarantee the installation of street trees as a condition of this subdivision's approval.
- The photo simulations provided by the applicant do not accurately portray the street trees that would be planted in the subdivision. Actual street trees would be limbed much higher than was depicted. The shapes would also be less massive.
- The applicant has not demonstrated that actual difficulties or substantial hardships will be incurred by the installation of street trees.

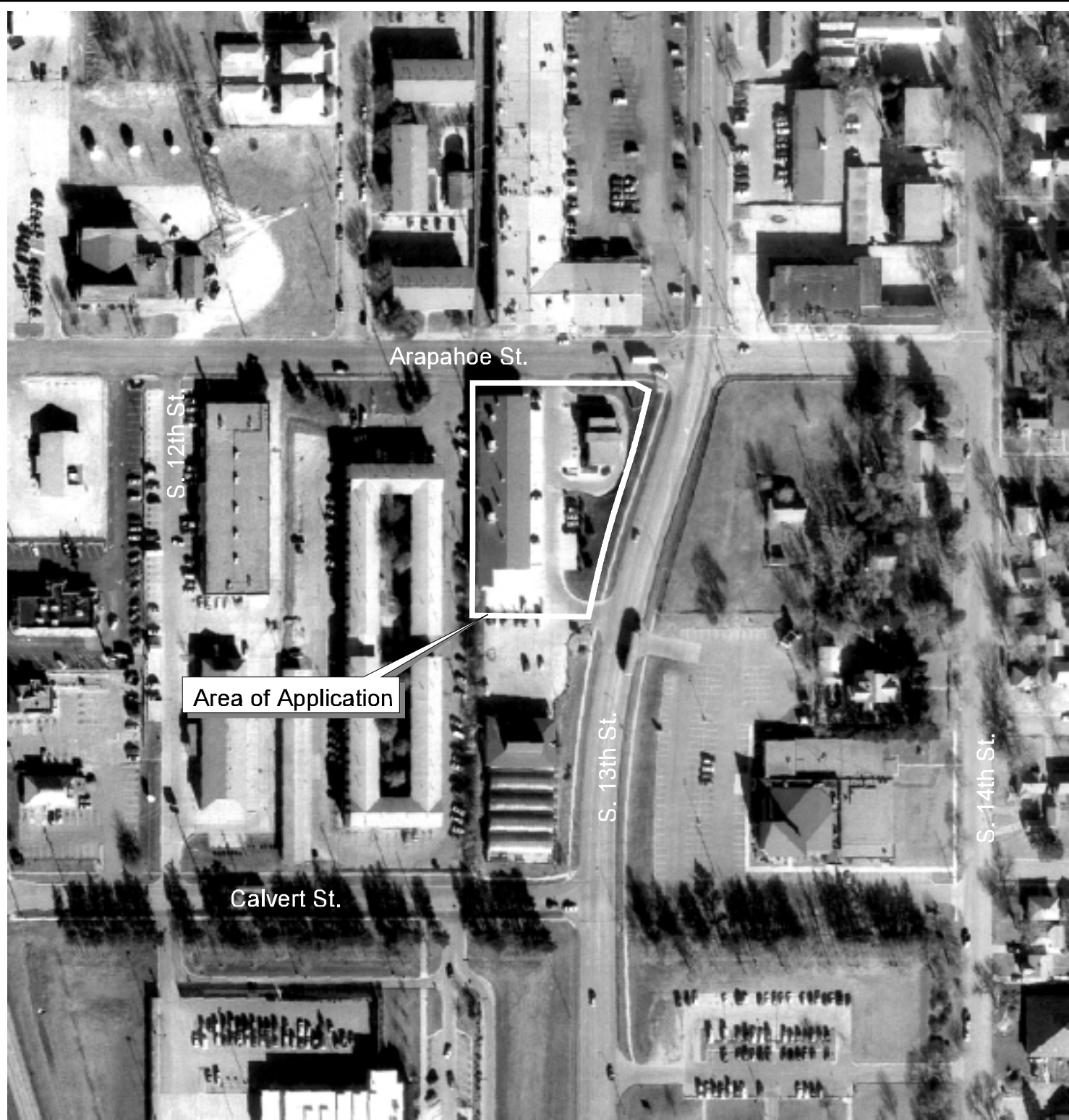
STAFF RECOMMENDATION:

DENIAL

Prepared by:

Jason Reynolds
Planner

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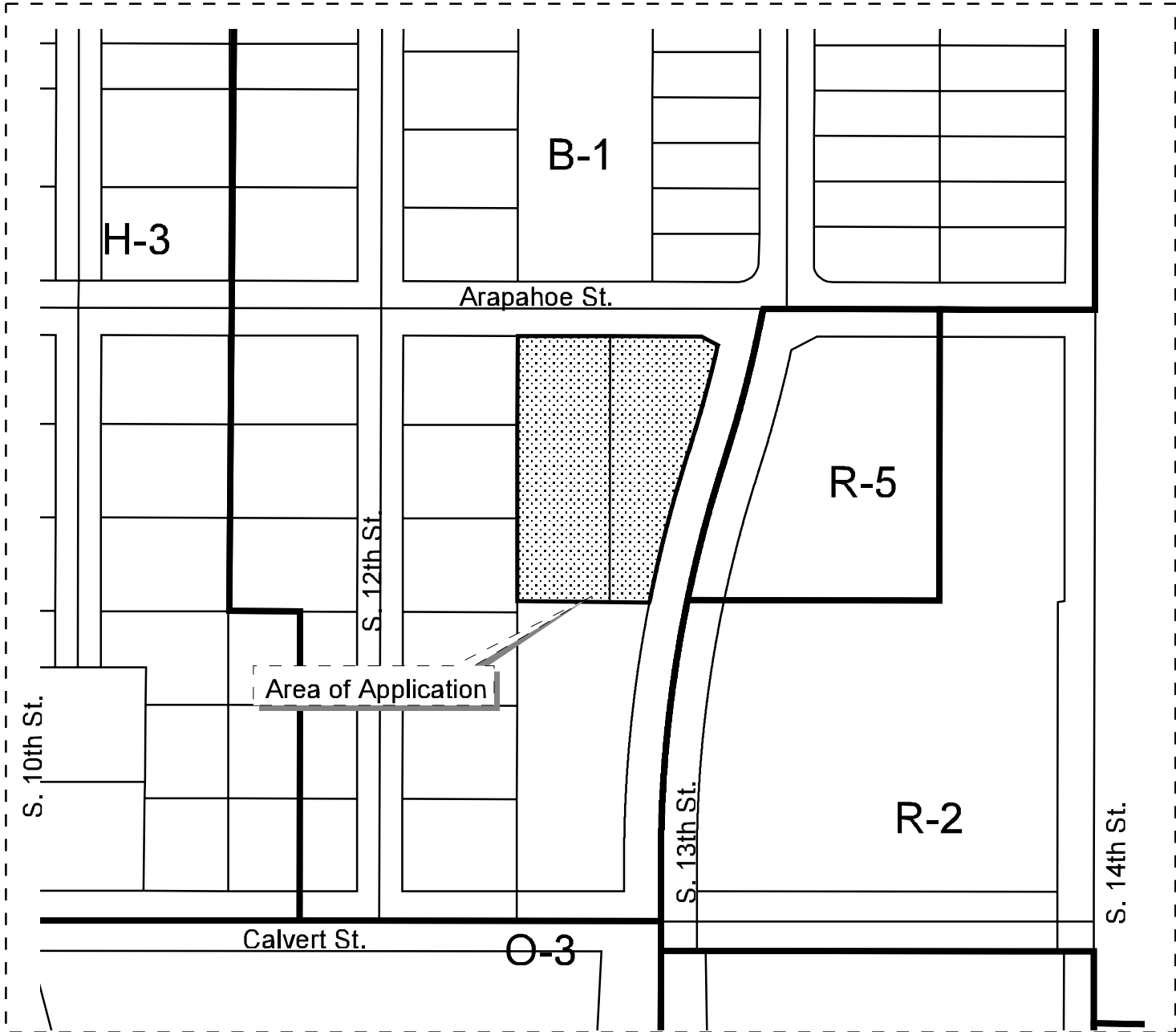


Waiver of Design Standards #01016 13th & Arapahoe St.



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

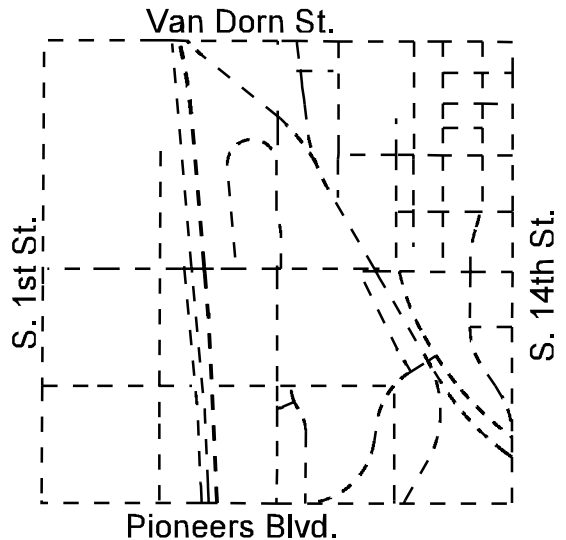
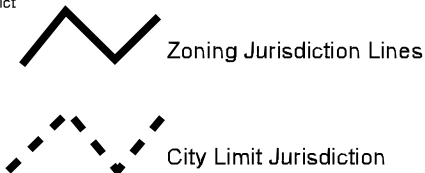


Waiver of Design Standards #01016 13th & Arapahoe St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 2 T9N R6E



Memo



To: Jason Reynolds
From: Mark Carney, Parks & Recreation
Date: July 25, 2001
Re: First Federal Lincoln Bank WDS 01016 - Waiver of Street Trees

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Need to submit plan with appropriate street trees. No waiver is granted. According to Chapter 12.20 of the City of Lincoln Standards all street trees are to be limbed 10 feet above the sidewalk and 14 feet above the street. This requirement was not applied to the rendering accompanying the request for waiver.
2. Street tree selections have the following characteristics in contrast to the images provided:

Columnar Norway Maple	15' wide x 35' high at maturity, a narrow upright deciduous tree (looses leaves in the winter).
Greenspire Linden	25' wide x 35' high at maturity, deciduous tree (looses leaves in the winter).

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

M e m o r a n d u m

JUL 23 2001

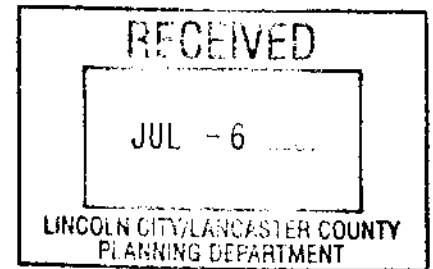
SECURITY

To: Jason Reynolds, Planning
From: *D* Dennis Bartels, Engineering Services
Subject: Waiver of Street Trees, First Federal Lincoln Subdivision
Date: July 19, 2001
cc: Roger Figard

The waiver of street trees for this subdivision does not affect existing Public Works facilities. However, justifying the waiver because of sight line concerns does not appear to be good justification since any commercial lot could make this argument.

Home Office

MAILING ADDRESS / P.O. BOX 83009
13TH AND N STREETS
LINCOLN, NE 68501-3009
402-475-0521



July 5, 2001

Planning Director
Planning Department
City of Lincoln
555 South 10th Street
Lincoln, NE 68508

Dear Sir or Madam:

First Federal Lincoln Bank is requesting a complete waiver of the design standards for the street trees within the administrative plat of First Federal Lincoln Subdivision, located on the southwest corner of 13th and Arapahoe Streets. We are enclosing some graphic enhanced photos that show the area with mature trees. As you can see from the photos, our building and signage would no longer be visible with these trees in place. If you would like to discuss this further please feel free to contact me, otherwise I anticipate First Federal Lincoln Bank to be released from any further requirements. You can reach me at (402) 473-6157.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Small".

Larry Small
First Vice President
Facilities & Services Manager

Cc: Nina Vejnovich, Law Department

LS/ct





Before



After





Before



After





Before



After

